

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Jose Ramon Cruz Gamez

v.

Case No. 23-cv-90-LM

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated August 10, 2023. For the reasons explained therein, the parties' cross motions for summary judgment (Doc. Nos. 4 and 6) and the petitioner's motion to expedite (Doc. No. 7) are denied as moot.

“'[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'”

School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The clerk is directed to enter judgment and close this case.

/s/ Landya B. McCafferty  
Landya B. McCafferty  
Chief Judge

Date: August 28, 2023

cc: Jose Ramon Cruz Gamez, pro se  
Counsel of Record